

## 10.0 ESSENTIAL FISH HABITAT

As discussed in Section 3.3 of this document, Section 303(a)(7) of the Magnuson-Stevens Act, 16 U.S.C. §§ 1801 *et seq.*, as amended by the Sustainable Fisheries Act in 1996, requires that FMPs describe and identify essential fish habitat (EFH), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat. The Magnuson-Stevens Act defines EFH as “those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity” (16 U.S.C. § 1802 (10)). The EFH regulations (at 50 C.F.R. 600 Subpart J) provide additional interpretation of the definition of essential fish habitat: “‘Waters’ include aquatic areas and their associated physical, chemical, and biological properties that are used by fish, and may include aquatic areas historically used by fish where appropriate; ‘substrate’ includes sediment, hard bottom, structures underlying the waters, and associated biological communities; ‘necessary’ means the habitat required to support a sustainable fishery and the managed species’ contribution to a healthy ecosystem; and ‘spawning, breeding, feeding, or growth to maturity’ covers a species’ full life cycle.”

A thorough review and identification of EFH for all HMS was completed in the 1999 Fishery Management Plan (FMP) for Atlantic Tunas, Swordfish, and Sharks. Please refer to Chapter 6 in the HMS FMP (NMFS, 1999a) for the review and identification of EFH for species managed under that plan. Amendment 1 to the Atlantic Billfish Fishery Management Plan provides a description of EFH and related issues in Chapter 4 (NMFS, 1999b). In addition, Amendment 1 to the HMS FMP updated some EFH information for certain shark species (NOAA Fisheries, 2003). As discussed in Section 3.3 of this document, HMS fishing gears and methods do not appear to have adverse impacts on EFH. This action, which would require the possession and use of certain hooks and baits, mandate possession and use of equipment to remove fishing hooks and lines from sea turtles, require the possession of new sea turtle handling and release guidelines, and reopen the NED to pelagic longline fishing, also would not have adverse impacts on EFH.

## **References Cited in Chapter 10**

- NMFS. 1999a. Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks. National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Office of Sustainable Fisheries, Highly Migratory Species Management Division, Silver Spring, MD. Public Document.
- NMFS. 1999b. Amendment 1 to the Atlantic Billfish Fishery Management Plan. National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Office of Sustainable Fisheries, Highly Migratory Species Management Division, Silver Spring, MD. Public Document.
- NOAA Fisheries. 2003. Amendment 1 to the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks. National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Office of Sustainable Fisheries, Highly Migratory Species Management Division, Silver Spring, MD. Public Document.